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HIGH COMMISSIONER'S PROGRAMME

Forty-eighth session

REPORT OF THE EIGHTH MEETING OF THE STANDING COMMITTEE (24 - 26 June 1997)

I. INTRODUCTION

1. The meeting was opened by the Chairman of the Executive Committee, His Excellency, Ambassador Ali Mchumo (United Republic of Tanzania), who chaired the meeting through items 1, 2, 3 and 5. His Excellency, Ambassador Bjorn Skogmo (Norway), chaired items 4, 6, 7, 8 and 9.

II. ADOPTION OF THE AGENDA OF THE EIGHTH MEETING AND THE REPORT OF THE SEVENTH MEETING

2. The *Provisional Annotated Agenda* (EC/47/SC/CRP.25) and the *Draft Report of the Seventh Meeting of the Standing Committee* (EC/47/SC/CRP.24) were both adopted without amendment.

III. PROTECTION ISSUES

3. Under this item, the Standing Committee had before it seven documents for discussion: *Note on International Protection* (EC/47/SC/CRP.26); *Progress Report on Informal Consultations on the Provision of International Protection for all who need it* (EC/47/SC/CRP.27); *Note on the Cessation Clauses* (EC/47/SC/CRP.30); *Note on the Exclusion Clauses* (EC/47/SC/CRP.29); *Return of Persons not in need of International Protection* (EC/47/SC/CRP.28); *Note on UNHCR and Statelessness Activities* (EC/47/SC/CRP.31); and *UNHCR's Activities for Refugee Law Promotion, Dissemination and Training* (EC/47/SC/CRP.32).

A. Note on International Protection

4. Introducing the *Note on International Protection* (EC/47/SC/CRP.26), the Director of the Division of International Protection explained that this year's Note focused on the institution of asylum, an area which UNHCR considers to be central to any efforts to strengthen the international protection regime. He outlined the essential elements of this regime, referring to admission and *non-refoulement*; access of UNHCR to persons in

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need of protection; the civilian and humanitarian character of refugee camps; the obligations of refugees to respect the laws of the country of asylum; and the security of humanitarian personnel and their access to persons of concern. Further elaborating on this, he stated that the crucial underpinnings of this system are political support and international respect for the rule of law. He outlined some of the current challenges UNHCR has faced when operating in conflict areas and, increasingly, in essentially lawless environments, as exemplified by the Great Lakes. He went on to explain that if UNHCR was to fulfil its mandate, the agreed minimum standards had to receive proper international support, particularly when the security of refugees was in jeopardy, or when refugee camps had to be demilitarized.

5. Most delegations welcomed the theme of asylum as timely. There was strong endorsement of the fact that the 1951 Convention and the 1967 Protocol form the universal basis of the refugee protection regime. It was noted that the general observance of the 1951 Convention and the 1967 Protocol by States confirms the soundness of this regime. The importance of States actually implementing their commitments to this regime was underlined.

6. Several elements discussed in the Note were regarded as essential components of the institution of asylum. In particular, delegations emphasized the importance of distinguishing between persons in need of international protection, and those who are not, calling for policies and practices in relation to the separation of armed elements. Particular reference was made, in this connection, to the situation in the Great Lakes region.

7. The issue of whether or not UNHCR can continue to provide protection, or may need to reconsider its involvement, in refugee situations whose civilian nature cannot be guaranteed was raised by several speakers, many of whom underlined the difficulty of identifying criteria for such situations. The importance of safe and unimpeded access by UNHCR to persons in need of protection was reiterated and several delegations paid tribute to UNHCR staff, notably those working in the field and in dangerous conditions. Delegations urged the States concerned to safeguard the physical security of UNHCR and other humanitarian agency staff including local staff. One speaker called on the Executive Committee to assert the obligations of host countries to provide guarantees of security, and others recommended that the Executive Committee follow up on the recent Security Council debate on humanitarian assistance.

8. Many delegations referred to the need for burden-sharing and international cooperation, which they identified as necessary elements for the admission of refugees and for the institution of asylum. One speaker strongly supported the development of a burden-sharing mechanism, initially at the regional level. Attention was again drawn to the situation of countries with large numbers of refugees and limited resources.

9. Several speakers urged States, particularly members of the Executive Committee, to accede to the international refugee protection instruments. Other delegations suggested that emphasis be placed on positive State practice, as well as formal acceptance of legal obligations. Several other delegations highlighted the value of resettlement as an important protection instrument and a durable solution.

10. In response to delegations, the Director thanked them for their constructive comments, especially for their expression of appreciation of and sympathy for UNHCR's field staff working under particularly difficult conditions. He concurred with observations made by some delegations that burden-sharing and international cooperation are fundamental concepts

underlying the international protection framework, and promised to keep this issue at the forefront of the Executive Committee's agenda.

B. Progress Report on Informal Consultations on the Provision of International Protection to all who need it

11. The Chief of UNHCR's General Legal Advice Section introduced EC/47/SC/CRP.27. Many delegations expressed full support for the informal consultative process on the provision of international protection to all in need of it, and strongly encouraged the Office to continue this process. Two delegations expressed interest in joining these consultations.

12. Many speakers commented in detail on the various aspects of temporary protection, including the definition of beneficiaries of temporary protection; its inter-linkage with the 1951 Convention and the 1967 Protocol; the conditions for terminating temporary protection; and the circumstances under which return can take place. It was stressed that the legal basis for international protection is the 1951 Convention and that temporary protection is a complementary tool. Various delegations referred to the need to develop temporary protection in a flexible manner to respond to large scale-influx situations. The importance of burden-sharing was also underlined. The return criteria proposed in the document were described as an interesting basis for benchmarks, although some delegations expressed reservations on the introduction of fixed time-frames in a temporary protection regime. One delegation proposed the establishment of appropriate consultations between UNHCR and the European Union on this matter.

13. Most delegations acknowledged the value of UNHCR's supervisory role and agreed that UNHCR should proceed cautiously in establishing formal measures.

C. Note on the Cessation Clauses

14. The Deputy Director of the Division of International Protection introduced the conference room paper EC/47/SC/CRP.30, which was welcomed by delegations. Speakers expressed agreement with the conclusions put forward in the paper, referring to them as "reasonable barometers". Regarding the period of time which must elapse before "ceased circumstances" can be confirmed, one delegation expressed the view that each situation must be assessed on its own merits. It was also pointed out that the threshold of indicators for "fundamental change" should take into account the socio-economic and infrastructural constraints faced by developing countries. Another delegation emphasized that notwithstanding the application of cessation clauses, refugees should be allowed to present compelling reasons for refusing to avail themselves of the protection of the country of origin.

D. Note on the Exclusion Clauses

15. The Chief, General Legal Advice Section, introduced EC/47/SC/CRP.29. Delegations agreed that the note on the exclusion clauses offered a comprehensive treatment of the subject. While it was recognized that the exclusion clauses should be interpreted within narrow limits, some delegations felt that these limits should not deprive the exclusion clauses of their fundamental purpose to withhold refugee protection to persons who are not entitled to it. The same delegations referred to the interpretation of "seriousness" of non-political crimes, as applied in their respective domestic legal systems. It was noted that a proper application of the exclusion clauses would not extend refugee protection to persons committing acts of terrorism. One delegation pointed out that national mechanisms for applying the exclusion clauses in mass influx situations are often not in place.

E. Return of Persons not in need of International Protection

16. Conference room paper EC/47/SC/CRP.28 was introduced by the Deputy Director of the Division of International Protection. Many delegations agreed that the increasing number of persons found not to be in need of international protection negatively impacts on the credibility of national asylum procedures. The slow rate of return or the non-return of such cases may also obstruct access to international protection for those in need of it. This has already led to the introduction of restrictive measures which may undermine the integrity of the asylum institution.

17. Some delegations suggested that UNHCR's activities in addressing this problem could include the promotion of dialogue between States, taking clear public positions on the acceptability of return of particular cases and the facilitation of "passive monitoring" in countries of origin, as illustrated by UNHCR's activities in Sri Lanka. Other delegations highlighted the exceptional nature of UNHCR's role in this area and noted that UNHCR needs to refrain from involvement in the return of persons where such involvement would be in conflict with its humanitarian mandate. Some delegations also cautioned against UNHCR becoming involved with the return of rejected asylum-seekers, stressing that this fell outside UNHCR's mandate and stating that this issue was primarily a bilateral matter between the States concerned. Other delegations welcomed UNHCR's readiness to confront this issue, and urged UNHCR to continue refining the criteria for its role. UNHCR agreed to continue this discussion with States.

F. Note on UNHCR and Statelessness Activities

18. Conference room paper EC/47/SC/CRP.31 was introduced by a Legal Adviser from UNHCR's General Legal Advice Section. Delegations endorsed the value of UNHCR's activities in this area and asked that such activities be continued. It was proposed that the importance of statelessness issues should be reflected in this year's annual conclusions on international protection. One delegation emphasized that the liberal grant of nationality can address statelessness and help to prevent refugee flows. States were called upon to accede to the international instruments on statelessness, and UNHCR was requested to broaden the scope of its activities to take account of statelessness issues on a more global basis. The Director of the Division of International Protection acknowledged that most of UNHCR activities in this area were in response to States' requests, and appealed to States to provide the additional human and other resources needed to address increased needs for advice and technical cooperation.

G. UNHCR's Activities for Refugee Law Promotion, Dissemination and Training

19. The Chief of UNHCR's Promotion of Refugee Law Section introduced EC/47/SC/CRP.32. Delegations welcomed UNHCR's efforts in disseminating refugee law. They also stressed the need for training in refugee law and related areas and encouraged further efforts in this area. One delegation recommended that UNHCR's promotion and training activities should be linked to enhancing awareness of refugee issues at the local level.

H. Conclusion

20. In his concluding remarks, the Director of the Division of International Protection expressed appreciation for the detailed comments offered by the Standing Committee on the conference room papers, and commended the General Legal Advice Section for the high quality of the papers. He noted that in the course of the debates, several issues of far-reaching importance had been brought into focus. These included the role of

the Executive Committee; the value of its Conclusions on International Protection; the obligation on States to comply with the international instruments for refugee protection; the need for concrete measures to safeguard the physical safety of local and international staff of UNHCR and other humanitarian agencies; and the need to preserve the humanitarian and civilian character of refugee camps. The Director stated that as these issues touched upon operational matters affecting UNHCR's daily work in the field, further guidance on them would be required from the forthcoming plenary session of the Executive Committee.

21. Summing up, the Chairman reiterated the overwhelming acceptance of the various core elements of the institution of asylum, as detailed in the Note, and recalled that all the conference room papers had generally been welcomed and endorsed by the Standing Committee. The Chairman informed delegations that the draft Conclusions on International Protection would be circulated shortly, for discussion at the first round of informal consultations preceding the September meeting of the Standing Committee.

IV. SITUATIONS REPORTS

22. In accordance with the programme of work adopted at the planning meeting of the Standing Committee in January this year, the region of Africa was scheduled for consideration by the Standing Committee. Three regional reviews on Africa were before the Committee; an *Update on Developments in the Southern African Region* (EC/47/SC/CRP.36); an *Update on Regional Developments in Central, East and West Africa* (EC/47/SC/CRP.37); and an *Update on Developments in the Great Lakes Region* (EC/47/SC/CRP.38). In addition, a *Follow-up on the Implementation of the Programme of Action of the CIS Conference* (EC/47/SC/CRP.35) was also before the Standing Committee for consideration.

A. Africa

23. UNHCR's three Directors of Operations in Africa introduced the reports on their respective regions, updating delegations on new developments and projections on future developments.

24. The Assistant High Commissioner also gave a briefing on his recent mission to central Africa, telling delegations that UNHCR is committed to continuing its search for small groups of refugees dispersed throughout the eleven provinces of the Democratic Republic of the Congo. Delegations responded favourably to his announcement that the High Commissioner had written to the President of Rwanda suggesting a meeting in Kigali on 7 July 1997 to take stock of the situation of returnees and to plan the gradual reinvolvement of UNDP and the World Bank in meeting the needs of those who have already returned.

25. One delegation urged the international community to pay more attention to addressing the root causes of displacement in Africa and encouraged States to make additional efforts in respect to preventive diplomacy, cautioning against the premature termination of international assistance programmes following major repatriation operations.

26. Following this, delegations expressed concern over developments in the Great Lakes region. Further information was also requested on UNHCR's phase-out plan in Rwanda and it was asked if the plan would be detailed in the *Revised Consolidated Appeal*. Several delegations also expressed support for UNHCR plans to undertake post repatriation activities in Rwanda and requested more information on UNHCR's precise role in the link between relief and development, particularly in the light of the Memorandum of Understanding

recently signed with UNDP. More information was requested on the study of security in camps and on the nature of the proposed camps for Burundian refugees in Democratic Republic of the Congo. Delegations also urged UNHCR to draw up plans to assure the exclusively civilian character of camps and indicated that the elaboration of a regional protection strategy for the Great Lakes region would be welcomed.

27. Delegations paid tribute to the courage of UNHCR field officers working in difficult and often dangerous circumstances, while at the same time expressing concern over the safety of humanitarian workers and called on States to assure their security and safe access to refugees. Many delegations expressed shock and dismay over the killing of a UNHCR staff member, his wife and children the previous week in Rwanda. This resulted in a request from the Chairman that an official expression of condolences on behalf of the entire Executive Committee be conveyed to the relatives of the victims.

28. With regard to UNHCR operations in the Southern Africa region, one delegation noted that it is laudable that UNHCR continues to promote repatriation in Angola, but suggested that UNHCR scale back expectations, given the slow implementation of the Lusaka Accords, and present a more modest budget for 1997.

29. In respect to UNHCR operations in the Horn of Africa, several delegations voiced concern over expulsion of UNHCR staff from Eritrea and requested further information on this situation. Concern was expressed in relation to the sharp fall in assistance budget for refugees in the Sudan and it was noted that the return of Eritrean refugee can be accomplished only with an agreement from Eritrean Government. Progress on repatriation in north western Somalia was also encouraged, with one delegation urging the acceleration of the pace for closing camps in Ethiopia.

30. Commenting on UNHCR operations in West Africa, one delegation asked that Liberians be encouraged to return, but recommended that their safety not be compromised by undue haste to meet the election deadline. Other delegations stressed that more priority should be given to unaccompanied minors and the protection of child soldiers in West Africa. Delegations also encouraged continued UNHCR initiatives to strengthen ties with ECOWAS and the OAU.

31. In more general comments, delegations indicated that they would like to have more transparency on lessons learnt and internal inspection reports. One delegation requested that future situation reports include the past year's expenditures for each programme, including information on size of the caseload and linkages between allocations and tasks undertaken. Another delegation urged broader use of Quick Implementation Projects (QIPs) to consolidate reconciliation following repatriation movements.

B. Follow-up to CIS Conference

32. The report on follow-up to the CIS Conference was introduced by UNHCR's Director for Europe Operations. In his introduction, the Director provided updated information on UNHCR's activities in respect to the Programme of Action adopted by the Conference and indicated that more detailed information would be provided at the meeting of the Steering Committee on 2 July 1997.

33. Delegations generally refrained from engaging in detailed discussions, stating that more extensive comments would be reserved for the 2 July 1997 meeting of the Steering Committee, while stating that the scheduling of this Steering Committee meeting was welcomed.

34. One delegation reiterated that the CIS Plan of Action remained a top priority on its agenda, contrary to what is stated paragraph 3 of the paper, and noted that this priority had been made known in various fora. Further, the same delegation stressed that the Plan of Action was not a long-term plan, but rather was a comprehensive solution to be completed by the year 2000. More information and details on the special fund for Baltic States were also requested.

35. Other delegations noted their support of UNHCR's increasing role in Tajikistan and generally urged broad support for the implementation of the Plan of Action, encouraging UNHCR to continue coordinating closely with IOM. Delegations also expressed specific interest in the follow-up to prevention aspects of the Plan of Action. Several delegations indicated they would announce pledges at the 2 July 1997 Steering Committee meeting. Delegations also mentioned that the recent donor mission to the Caucasus region was most helpful.

36. One delegation questioned UNHCR's role in respect to categories of persons identified within the CIS Plan of Action in relation to UNHCR's broader protection role, recommending that UNHCR should avoid a "quick-fix" solution, in this regard.

C. Statements on Hong Kong

37. A special request was made by one delegation to make a statement on the situation in Hong Kong. This delegation expressed concern about the remaining boat people from Viet Nam in Hong Kong, but commended UNHCR on it's efforts to seek solutions to this problem.

38. Another delegation then took the floor and expressed formal thanks to UNHCR for the exceptional help and cooperation in addressing this problem since the mid-1970's, including the continuation of assistance after the closure of the Comprehensive Plan of Action. The delegation also noted that of the over 200,000 boat people passing through Hong Kong, 99 per cent have found a durable solution, largely thanks to UNHCR.

V. PROGRAMME AND FUNDING ISSUES

39. The Standing Committee had before it a document entitled, *Update on Programme and Funding Projections for 1997 and Tentative Estimates for the 1998 General Programmes Target* (EC/47/SC/CRP.34) and a related draft decision.

40. The agenda item was introduced by the Director of the Division of Operational Support. With regard to 1997 expenditure, he noted that there was no proposed revision to the already approved General Programmes target. He also provided up-to-date information on the use of the Voluntary Repatriation Fund, the Emergency Fund and the Programme Reserve. This information was made available in written form. In respect to 1997 Special Programmes, he alluded to funding difficulties for a number of programmes. In relation to 1998 General Programmes, he noted that the tentative estimate, as determined by the Operations Review Board, was $ 440 million. He explained why UNHCR felt it was necessary to reduce the target in comparison to that of 1997. In proposing a General Programmes target, UNHCR felt that it was of critical importance that a target be set which was fundable. He also gave an update on developments in relation to the likely allocation for UNHCR under the Regular Budget for the biennium 1998 and 1999.

41. The current funding trends were reviewed by the Head of the Funding and Donor Relations Service. He prefaced his remarks by noting the invaluable contribution of asylum countries, often with limited resources, in providing

international protection. He also noted that, as at 23 June 1997, total contributions to UNHCR (under both General and Special Programmes) amounted to $ 482 million, stating that his was comparable to the level of contributions at the same date in 1996. He nevertheless expressed serious concern about the prospects for the full funding of General Programmes in 1997 and 1998. The Head of the Service went on to highlight serious funding problems under some of UNHCR's Special Programmes, especially for the former Yugoslavia, the countries of the Commonwealth of Independent States and various voluntary repatriation programmes in Africa. He concluded by appealing to donors for their support.

42. Delegations made statements and posed questions on particular operations and issues. One delegation underlined the need for prudence in managing the funding under the 1998 General Programmes and the importance of balancing expenditure against likely income.

43. The Standing Committee adopted an amended version of the related Decision on Programme and Funding (annex). The amendment drew attention to the need for equitable burden sharing.

VI. REPORTS RELATING TO OVERSIGHT: INTERNATIONAL PROCUREMENT

44. Introducing the conference room paper on international procurement (EC/47/SC/CRP.33), the Chief of UNHCR's Supply and Transport Section (STS) focused on three issues: the justification for international procurement; the procurement methods used; and the concerns expressed by the external auditors. As of 1998, more than 50 per cent of all international procurement (in terms of value) is based on open international competition. UNHCR strives to achieve the widest possible geographical basis for purchases based on open international competition. In two areas of concern highlighted by the external auditors, namely annual purchasing plans and receiving reports, UNHCR is making a concerted effort to address these concerns. It is expected that the introduction of the "ideal supply chain" will go a long way in addressing these concerns.

45. Delegations voiced support for the progress made in the past year in achieving greater transparency in international procurement. Support was also voiced on the efforts to rationalize the supply chain. In particular, strong support was given to the ideal supply chain project and the other proposed changes outlined in the conference room paper. Delegations also expressed a desire to see greater details in future reports on the scope of regional and local procurement by UNHCR and implementing partners, as well as in-kind donations. Concern was expressed by some delegations that the current UNHCR bidding procedures seemed to be tilted in favour of current suppliers that were predominately from developed countries. Two delegations suggested various ways that developing country suppliers could be supported. Another delegation, however, complimented UNHCR for having successfully engineered a careful road between the various interest blocks on the subject of geographical distribution of purchases. One delegation requested to know the reasons why the emergency warehouses in Turkey and Dubai were closed down. A number of delegations requested clarification of the principle of "under-utilized major donor country" and the extent to which they were accorded a preference.

VII. GOVERNANCE ISSUES

46. Two issues were before the Standing Committee under this agenda item; final consideration of the Annual Theme for the forty-eighth session of the Executive Committee; and a *Report on the Informal Consultations on Non-Governmental Organization (NGO) Observer Participation in the Work of the*

Executive Committee of the High Commissioner's Programme and its Standing Committee (EC/47/SC/CRP.39).

47. A draft decision on the Annual Theme was circulated in the room and proposed that the topic of debate at the forty-eighth session of the Executive Committee in October 1997 focus on "repatriation challenges". Several alternative proposals were put forward by delegations. The decision on the theme of "repatriation challenges", was adopted with amendments (annex).

48. Delegations then considered the report on the informal consultations on NGO observer participation and the draft decision contained in the report. One delegation noted that, as proposed, the modalities for observer participation allowed by the recommendations of the informal consultations would create an anomaly in comparison with stricter requirements applied to observer States. The delegation asked if the Secretary could suggest a way that this could be addressed. In response the Secretary suggested that it might be sufficient for the plenary to delegate to the Standing Committee the authority to admit new government observers in the course of the year. The decision was adopted without revision (annex).

VIII. MANAGEMENT AND FINANCIAL ISSUES

49. The Deputy High Commissioner gave an oral update on Project Delphi. Commenting on this update, one delegation recommended selective use of outside sources of expertise when in-house sources were not available and another delegation suggested that UNHCR should redeploy staff where projects are declining or closing.

IX. ANY OTHER BUSINESS

50. The Secretary informed delegations that an evaluation of coordination in the Great Lakes region was going ahead and that the Department of Humanitarian Affairs (DHA) is now preparing terms of reference for the evaluation. Interested delegations will be kept informed of further developments.

51. In addition, the Secretary informed delegations that drafting will begin now on the conclusion on protection. The first written draft will be circulated to delegations before the first round of informal consultations scheduled for 8 September 1997. Arrangements will be made by the Rapporteur, assisted by the Secretariat, for additional rounds of consultations on the preparation of decisions and conclusions to be presented to the plenary. One later round of consultations is already scheduled for 10 October 1997.

52. There being no further business, the Chairman adjourned the meeting.

DECISIONS ADOPTED BY THE STANDING COMMITTEE

I. DECISION ON PROGRAMME AND FUNDING PROJECTIONS

The Standing Committee,

Recalling the decision of the forty-seventh session of the Executive Committee on programme, funding and administrative matters,

(a) Notes that the overall revised needs for 1997 (excluding the Regular Budget) are currently estimated at some $ 1.2 billion, of which projected needs for General Programmes remain at $ 452.6 million, as approved by the Executive Committee at its forty-seventh session, and those for Special Programmes are $ 745.4 million;

(b) Notes also the tentative budget estimates of $ 440 million for 1998 General Programmes as set out in document EC/47/SC/CRP.34, which includes a Programme Reserve of 10 per cent of programmed activities;

(c) Further notes the current level of contributions to UNHCR's programmes and acknowledges the appeal of the High Commissioner to donor Governments for further announcements of contributions, in a spirit of equitable burden-sharing, so as to permit continuation and timely implementation of the various assistance programmes;

(d) Notes the recent developments in relation to UNHCR's share of the United Nations Regular Budget and requests the High Commissioner to continue discussions with the Secretary-General on the level and form of the contribution from the Regular Budget.

II. DECISION ON THE ANNUAL THEME OF THE FORTY-EIGHTH SESSION OF THE EXECUTIVE COMMITTEE

The Standing Committee,

Recalling the decision taken at the forty-sixth session of the Executive Committee that the General Debate will be discontinued and replaced by a debate on a focused annual theme to be selected in consultation with the High Commissioner and the Standing Committee at a meeting held at least three months before the annual plenary session (A/AC.96/860, para. 32(h)),

(a) Decides that the annual theme to be discussed at the forty-eighth session of the Executive Committee will be "Repatriation Challenges";

(b) Considers that the debate on the annual theme should be conducted, *inter alia*, on the basis of relevant work undertaken at the inter-sessional meetings of the Standing Committee, notably in respect of the Note on International Protection, as well as of other documents related to protection aspects of repatriation and return;

(c) Requests the High Commissioner to submit to the plenary session appropriate background documentation to provide a broad framework for the debate.

III. DECISION ON NON-GOVERNMENTAL ORGANIZATION (NGO) OBSERVER PARTICIPATION IN THE WORK OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME AND ITS STANDING COMMITTEE

The Standing Committee,

Recalling the decision of the Executive Committee at its forty-seventh session to initiate consultations amongst Executive Committee members on the participation of NGO observers in the work of the Executive Committee and its Standing Committee (A/AC.96/878, para 26 (c)), and having considered the recommendations of the informal consultations on NGO observer participation in the work of the Executive Committee and its Standing Committee (EC/47/SC/CRP.39),

(a) Emphasizes the Executive Committee and Standing Committee's role of providing governance to UNHCR; in this context, stresses the importance of maintaining the inter-governmental character of their decision-making processes, their well established tradition of work by consensus, and the efficiency of their working methods;

(b) Recognizes the contribution of NGOs as important partners in UNHCR's humanitarian work on behalf of refugees;

(c) Recalls existing arrangements in the Executive Committee plenary whereby NGOs having consultative status with ECOSOC or which are members of ICVA are permitted to make written contributions in accordance with the Rules of Procedure; also recalls that, in accordance with established tradition, the same NGOs are permitted access to the Conference room and to deliver one oral statement to the Committee;

(d) Emphasizes the need to maintain the tradition of the Standing Committee in respect to the confidentiality of statements by individual delegations;

(e) Recognizes the legitimate wish of NGOs to have enhanced access as observers to Executive Committee and Standing Committee meetings, as well as their capacity to enrich discussion within areas of their expertise;

(f) Welcomes the establishment by the NGO community of an open-ended reference group amongst NGOs currently invited to the Executive Committee plenary sessions and which are interested in closer involvement with the work of the Executive Committee and Standing Committee, including NGOs from developing countries;

(g) Decides that:

(i) NGOs registered at the plenary will also be invited to Standing Committee meetings upon written request from individual NGOs concerned, and calls on UNHCR and the NGO community explore appropriate mechanisms to ensure participation by NGOs from developing countries, notably their PARinAC regional focal points;

(ii) One NGO observer statement will be heard on each Standing Committee agenda item, with the selection of the organization to speak to be made by the NGOs themselves on the basis of expertise or direct knowledge of the matter under consideration;

(iii) Standing Committee documents will be available upon request to NGOs through their established networks, prior to Standing Committee meetings;

(iv) NGOs will be permitted to make written contributions on the subjects under debate, provided that these do not have budgetary consequences for the UNHCR Secretariat and that NGOs concerned make provision for their production and circulation;

(v) The Executive Committee or its Standing Committee reserve the right exceptionally to declare any Standing Committee meeting or agenda item closed to observer participation: and that such decisions will be taken by consensus following a request by any delegation or group of delegations to the Chairman who will consult with Executive Committee members;

(vi) Informal consultations on decisions and conclusions will be limited to Executive Committee members, in accordance with established practice;

(h) Further decides that these arrangements will be introduced after the forty-eighth Executive Committee plenary session in October 1997 and will be reviewed after a trial period of one year.